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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
APPLE GATE, )  
 )  
Defendant. )

No. 06-00173 SI VRW

~~PROPOSED~~ ORDER AND STIPULATION  
EXCLUDING TIME FROM APRIL 14, 2006  
TO MAY 1, 2006 FROM THE SPEEDY  
TRIAL ACT CALCULATION  
(18 U.S.C. § 3161(h)(8)(A))

The parties appeared before the Honorable Susan Illston on April 14, 2006. With the agreement of the parties, and with the consent of the defendant, the Court enters this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from April 14, 2006 to May 1, 2006. The parties agreed, and the Court found and held, as follows:

1. The defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the recent production of discovery, the possibility that more discovery will be provided in the near future, and the exercise of due diligence.

2. Given these circumstances, the Court found that the ends of justice served by

STIPULATION AND ORDER  
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1 excluding the period from April 14, 2006 to May 1, 2006, outweigh the best interest of the public  
2 and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

3 5. Accordingly, and with the consent of the defendant, the Court ordered that the period  
4 from April 14, 2006 to May 1, 2006, be excluded from Speedy Trial Act calculations under 18  
5 U.S.C. § 3161(h)(8)(A) & (B)(iv).

6 ~~4. The Court scheduled a new status date of May 1, 2006, at 10:00 a.m.~~

7 IT IS SO STIPULATED.

8 **The matter is set for Initial Appearance before Judge Vaughn R Walker on May 16, 2006**  
9 **at 10:30 a.m. in courtroom 6.**

DATED: 4/15/06

/S/

TRACIE L. BROWN  
Assistant United States Attorney

12 DATED: \_\_\_\_\_

/S/

ELIZABETH FALK  
Attorney for APPLE GATE

14 IT IS SO ORDERED.

16 DATED: April 24, 2006

